

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JOHN F. COLYER,

Plaintiff,

Case No. 13-10425
Honorable Thomas L. Ludington

v.

FEDERAL HOME LOAN
MORTGAGE CORPORATION,
FEDERAL HOUSING FINANCE
AGENCY, and JACK LEW,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION, GRANTING
DEFENDANTS' MOTION TO DISMISS, AND DISMISSING THE COMPLAINT**

On February 4, 2013, John Colyer (Colyer) filed a complaint against the Federal Home Loan Mortgage Corporation, the Federal Housing Finance Agency, and Jack Lew, seeking damages because he claims those Defendants "violated his constitutional rights by taking his property without a due process hearing." Pl.'s Compl. 2, ECF No. 1. Defendants Federal Home Loan Mortgage Corporation and Federal Housing Finance Agency filed a motion to dismiss Colyer's complaint with prejudice. *See* Defs.' Mot., ECF No. 11. The motion was referred to United States Magistrate Judge Charles E. Binder pursuant to 28 U.S.C. § 636(b)(1).

On February 27, 2014, Judge Binder issued a report recommending that the Defendants' motion to dismiss be granted, that Defendant Jack Lew be dismissed, and that Colyer's complaint be dismissed "in its entirety." Report & Rec. 1, ECF No. 14. Although Judge Binder's report explicitly stated that the parties may object to and seek review of the recommendation within 14 days of service of the report, as of today's date, neither party has filed objections. The failure to object to Judge Binder's report releases the Court from its duty to

independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Moreover, the failure to file objections to the report waives any further right to appeal. *See Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, it is **ORDERED** that Judge Binder's report and recommendation, ECF No. 14, is **ADOPTED**.

It is further **ORDERED** that the Defendants' motion to dismiss, ECF No. 11, is **GRANTED**.

It is further **ORDERED** that Colyer's complaint, ECF No. 1, is **DISMISSED** with prejudice. This is a final order and closes the case.

Dated: March 18, 2014

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 18, 2014.

s/Tracy A. Jacobs
TRACY A. JACOBS